

## REMARKS

Applicants have amended claims 5, 23 and 25 to correct the grammatical errors noted by the Examiner in numbered section 3 of the Office Action.

Since the foregoing amendments merely correct matters of form, place the application in condition for allowance for the reasons set forth hereinafter and do not raise new issues requiring further consideration and/or search, entry of this amendment under 37 CFR 1.116 is requested.

Applicants, through their undersigned attorney, thank the Examiner for the telephone interview granted to the undersigned on September 14, 2006. During the telephone interview, the differences between the present invention and the prior art were discussed. In particular, it was argued by the undersigned that the references applied by the Examiner in rejecting the claims would not have provided any suggestion to combine the various teachings to arrive at the presently claimed invention. Moreover, it was noted that the Kato et al. reference, while disclosing the use of dummy wafers for plasma cleaning, does not disclose the use of a dummy sample for checking for a number of foreign particles in a vacuum processing chamber.

In view of the foregoing amendments to claims 5 and 23, it is submitted all of the claims now in the application comply with the requirements of 35 U.S.C. 112, second paragraph. Therefore, reconsideration and withdrawal of the rejection of claims 5 and 23 under 35 U.S.C. 112, second paragraph, are requested.

Claims 1-6, 12, 14, 20-27 and 32-35 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,934,856 to Asakawa et al. in view of JP 4-108531 to Kato et al. (using U.S. Patent No. 5,349,762 to Kato et al. as an English translation) and U.S. Patent No. 5,882,165 to Maydan et al. Applicants traverse this

rejection and request reconsideration thereof.

The present invention relates, inter alia, a vacuum processing apparatus. The apparatus includes a cassette table, a load lock chamber, a first transferring device for transferring a dummy sample from one of a plurality of cassettes to the load lock chamber or transferring it from the load lock chamber to one cassette, a transferring chamber for transferring the dummy sample in a vacuum condition, a plurality of vacuum processing chambers connected to the transferring chamber, and a second transferring device arranged in the transferring chamber for transferring the dummy sample between the load lock chamber and the plurality of vacuum processing chambers. The load lock chamber includes a first support member, while a second support member is arranged in each of the plurality of processing chambers to support the dummy sample one by one. A first sample lifting mechanism is provided and is capable of moving up and or moving down the first supporting member so as to transfer the dummy sample to the second transferring device, a second sample lifting mechanism is also provided. As set forth in independent claims 1 and 14, the second lifting mechanism can be arranged at the second support member in each of the processing chambers. As set forth in independent claim 12, the second sample lifting mechanism is capable of effecting relative vertical movement between the second support member and the second transferring device so as to transfer the dummy sample between the second support member and the second transferring device. A controller is provided for controlling, inter alia, the transfer of the dummy sample.

As noted in the Amendment filed March 6, 2006, the Asakawa et al. patent can be prior art under 35 U.S.C. 102(e) as of May 22, 1995 only for subject matter properly supported in prior application serial number 08/447,247. The Examiner has

alleged in numbered section 6 of the outstanding Office Action that the prior application discloses the subject matter needed for the rejection. Since serial number 09/447,247 is not available as an image file wrapper, Applicants can not check the accuracy of the Examiner's allegation in numbered section 6 of the Office Action. Accordingly, Applicants reserve their right to challenge whether the Asakawa et al. patent is prior art to the presently claimed invention and again submit that the Examiner should provide Applicants with a copy of the prior application.

In any event, the Asakawa et al. patent does not disclose the presently claimed invention. In particular, the Asakawa et al. patent does not disclose, inter alia, a first transferring device capable of vertical operation or the first and second sample lifting mechanisms presently claimed. Moreover, it is submitted the Asakawa et al. patent does not disclose the controller presently recited for, inter alia, transferring of a dummy sample. While the Examiner relies on the Kato et al. and Maydan et al. documents as showing these features, it is submitted the Examiner's rejection selectively picks and chooses various features of the Kato et al. and Maydan et al. documents without providing any motivation for doing so. Absent some suggestion or motivation in the prior art for making the modifications urged by the Examiner, it is submitted the documents do not suggest the presently claimed invention. Accordingly, whether or not the Asakawa et al. patent is prior art to the present invention, it is submitted the presently claimed invention is patentable over the proposed combination of documents.

In particular, the Examiner relies on Kato et al. for its teachings in connection with a vertically moving conveyor 13. However, the Kato et al. document does not disclose the first and second lifting mechanisms presently claimed. Moreover, it is submitted there is no teaching in either Asakawa et al. or Kato et al. which would

have suggested combining the vertically moving conveyor 13 of Kato et al in the system of Asakawa et al.

The Maydan et al. patent discloses a load lock chamber having an internal storage elevator assembly 50. While the outstanding Office Action refers to element 180 of Maydan et al. as a vertical moving wafer support, element 180 is merely a separator plate between upper and lower wafer sections; therefore, it is assumed the Examiner is referring to elevator 50 or the horizontal support plates 54 thereof as the vertical moving wafer support. In any event, it is submitted the Maydan et al. patent does not disclose the first transferring device of the present invention capable of vertical operation or the second sample lifting mechanism presently claimed. Moreover, it submitted there is no disclosure either Asakawa et al. or Maydan et al. which would have motivated one of ordinary skill in the art to combine the teachings of these patents in the manner urged by the Examiner.

None of Asakawa et al., Kato et al. and Maydan et al. disclose a second sample lifting mechanism presently claimed, either arranged at the second support member in each of the processing chambers as set forth in independent claims 1 and 14 or being capable of effecting relative vertical movement between the second support and the second transferring device as set forth in independent claim 12. Therefore, even assuming, arguendo, one ordinary skill in the art would have combined the teachings of Asakawa et al., Kato et al., Maydan et al., even the combined teachings would not have suggested the presently claimed invention.

Moreover, while the Examiner relies on the Kato et al. reference as allegedly disclosing "to use a dummy wafer for checking the system for foreign matter and for cleaning," it is submitted the Kato et al. patent discloses only the use of dummy wafers for plasma cleaning, but not the use of dummy wafers for checking a number


of foreign particles, e.g., for checking a number of foreign particles in a vacuum processing portion of a vacuum processing apparatus. Accordingly, none of Asakawa et al., Kato et al. and Maydan et al. disclose the features set forth in dependent claims 4, 23, 25, 27, 33 and 35. Accordingly, it is submitted these claims are patentable for this additional reason.

In view of the foregoing amendments and remarks, entry of this amendment and favorable reconsideration and allowance of all the claims now in the application are requested.

To the extent necessary, applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 520.34692V17), and please credit any excess fees to such deposit account.

Respectfully submitted,

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